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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2013- 297

13 **JANET SUE DAY,**  
14 **aka JANET SUE WITTIG,**  
15 **aka JANET SUE BALDWIN,**

**STATEMENT OF ISSUES**

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
19 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 2. In or about September 2011, the Board received an application for a registered nurse  
22 license from Janet Sue Day, also known as Janet Sue Wittig and Janet Sue Baldwin  
23 ("Respondent"). On or about September 2, 2011, Respondent certified under penalty of perjury to  
24 the truthfulness of all statements, answers, and representations in the application. The Board  
25 denied the application on January 24, 2012.

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4. Code section 2761 states, in pertinent part:

(a) Unprofessional conduct . . .

5. Code section 2762 states, in pertinent part:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

6. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

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1 (1) Been convicted of a crime. A conviction within the meaning of this  
2 section means a plea or verdict of guilty or a conviction following a plea of nolo  
3 contendere. Any action that a board is permitted to take following the establishment  
4 of a conviction may be taken when the time for appeal has elapsed, or the judgment  
5 of conviction has been affirmed on appeal, or when an order granting probation is  
6 made suspending the imposition of sentence, irrespective of a subsequent order under  
7 the provisions of Section 1203.4 of the Penal Code.

8 . . . .

9 (3)(A) Done any act that if done by a licentiate of the business or  
10 profession in question, would be grounds for suspension or revocation of license.

11 (B) The board may deny a license pursuant to this subdivision only if the  
12 crime or act is substantially related to the qualifications, functions, or duties of the  
13 business or profession for which application is made . . .

#### 14 **FIRST CAUSE FOR DENIAL**

##### 15 **(Criminal Conviction)**

16 7. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
17 subdivision (f), and 480, subdivisions (a)(1) and (a)(3)(A), in that on or about August 26, 2003, in  
18 Bureau County Circuit Court (Princeton, Illinois), Case No. 03-CF-16, Respondent was convicted  
19 of Aggravated DUI, a Class 4 Felony, a crime substantially related to the qualifications, functions  
20 and duties of a registered nurse. The circumstances of the crime are as follows: On or about  
21 February 15, 2002, Respondent drove her vehicle while having a BAC (blood alcohol  
22 concentration level) of 0.186 percent. Respondent drove her vehicle off of the roadway, causing  
23 it to roll over. Respondent's 6 year old son, who was a passenger in the vehicle, suffered a  
24 fractured left femur and other injuries in the crash.

#### 25 **SECOND CAUSE FOR DENIAL**

##### 26 **(Use of Alcoholic Beverages to an Extent or in a Manner 27 Dangerous or Injurious to Oneself and the Public)**

28 8. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
subdivision (a), 2762, subdivision (b), and 480, subdivision (a)(3)(A), in that on or about  
February 15, 2002, Respondent used alcoholic beverages to an extent or in a manner dangerous or  
injurious to herself, others, and the public, as set forth in paragraph 7 above.

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1 **THIRD CAUSE FOR DENIAL**

2 **(Conviction Related to the Consumption of Alcoholic Beverages)**

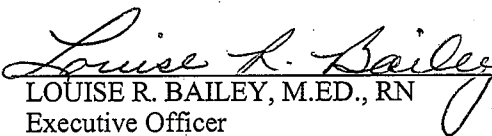
3 9. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,  
4 subdivision (a), 2762, subdivision (c), and 480, subdivision (a)(3)(A), in that on or about August  
5 26, 2003, Respondent was convicted of a criminal offense involving the consumption of alcoholic  
6 beverages, as set forth in paragraph 7 above.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Denying the application of Janet Sue Day, also known as Janet Sue Wittig, and Janet  
11 Sue Baldwin, for a registered nurse license;
- 12 2. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: October 15, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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